

## Environmental Protection Agency

## § 52.1420

during startup, shutdown, or malfunction shall notify EPA verbally as soon as possible, but no later than noon of EPA's next working day, and shall submit written notification to EPA within 30 days of the initial occurrence of the exceedance. The written notification shall explain whether and how the elements set forth in paragraph (i)(1) of this section were met, and include all supporting documentation.

(3) Injunctive relief. The Affirmative Defense Provisions contained in paragraph (i)(1) of this section shall not be available to claims for injunctive relief.

(j) *Incorporation by reference.* (1) The materials listed in this paragraph are incorporated by reference in the corresponding paragraphs noted. These incorporations by reference are approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. These materials are incorporated as they exist on the date of the approval, and notice of any change in these materials will be published in the FEDERAL REGISTER. The materials are available for purchase at the corresponding address noted below, and all are available for inspection at the National Archives and Records Administration (NARA) and at the Air Program, EPA, Region 8, 1595 Wynkoop Street, Denver, CO. For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

(2) The following materials are available for purchase from the following address: American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428-2959, [www.astm.org](http://www.astm.org), or by calling (610) 832-9585.

(i) ASTM Method D4468-85 (Reapproved 2000), Standard Test Method for Total Sulfur in Gaseous Fuels by Hydrogenolysis and Rateometric Colorimetry, IBR approved for paragraph (h)(3)(i)(B)(3) of this section.

(ii) ASTM Method D4810-06, Standard Test Method for Hydrogen Sulfide in Natural Gas Using Length-of-Stain Detector Tubes, IBR approved for para-

graphs (f)(3)(ii)(B), (g)(4)(ii)(C), and (g)(5)(ii)(C) of this section.

(ii) ASTM Method D5504-01 (Reapproved 2006), Standard Test Method for Determination of Sulfur Compounds in Natural Gas and Gaseous Fuels by Gas Chromatography IBR approved for paragraph (h)(3)(i)(B)(3) of this section.

[73 FR 21454, Apr. 21, 2008]

### § 52.1393 Interstate Transport Declaration for the 1997 8-hour ozone and PM<sub>2.5</sub> NAAQS.

The State of Montana added the Interstate Transport Rule Declaration to the State SIP, State of Montana Air Quality Control Implementation Plan, Volume I, Chapter 9, to satisfy the requirements of Clean Air Act Section 110(a)(2)(D)(i) for the 8-hour ozone and PM<sub>2.5</sub> NAAQS promulgated in July 1997. The Montana Interstate Transport Rule Declaration, adopted and effective on the same date of February 12, 2007, was submitted to EPA on April 16, 2007. The April 16, 2007 Governor's letter included as an attachment a set of dated replacement pages for the Montana Interstate Transport Rule Declaration. The new set of pages were sent as replacement for the set of undated pages submitted earlier with the February 12, 2007 Record of Adoption package. In a May 10, 2007 e-mail to Domenico Mastrangelo, EPA, Debra Wolfe, of the Montana Department of Environmental Quality, confirmed February 12, 2007 as the adoption/effective date for the Montana Interstate Transport Rule Declaration.

[73 FR 10154, Feb. 26, 2008]

## Subpart CC—Nebraska

### § 52.1420 Identification of Plan.

(a) Purpose and scope. This section sets forth the applicable SIP for Nebraska under section 110 of the CAA, 42 U.S.C. 7401 *et seq.*, and 40 CFR Part 51 to meet NAAQS.

(b) *Incorporation by reference.* (1) Material listed in paragraphs (c), (d) and (e) of this section with an EPA approval date prior to November 5, 2003, was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C.

552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the FEDERAL REGISTER. Entries in paragraphs (c), (d) and (e) of this section with EPA approval dates after November 5, 2003, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region VII certifies that the rules/regulations provided by EPA in the SIP compilation at the addresses in paragraph (b)(3) are an exact duplicate of the officially promulgated state rules/regulations which have been approved as part of the SIP as of November 5, 2003.

(3) Copies of the materials incorporated by reference may be inspected at the Environmental Protection Agency, Region VII, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101; the EPA, Air and Radiation Docket and Information Center, Room B-108, 1301 Constitution Avenue, NW. (Mail Code 6102T), Washington, DC 20460 or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

(c) EPA-approved regulations.

#### EPA-APPROVED NEBRASKA REGULATIONS

Nebraska citation	Title	State effective date	EPA approval date	Explanation
<b>STATE OF NEBRASKA</b>				
<b>Department of Environmental Quality</b>				
<b>Title 129—Nebraska Air Quality Regulations</b>				
129-1 .....	Definitions .....	11/20/02	09/05/03, 68 FR 52694.	Section 001.02 is not SIP approved.
129-2 .....	Definition of Major Source .....	07/10/02	07/08/03, 68 FR 40530.	
129-3 .....	Region and Subregions .....	6/26/94	1/04/95, 60 FR 372.	
129-4 .....	Ambient Air Quality Standards ...	4/01/02	07/08/03, 68 FR 40530.	
129-5 .....	Operating Permit .....	07/10/02	9/05/03, 68 FR 52694 .....	
129-6 .....	Emissions Reporting .....	11/20/02	09/05/03, 68 FR 52694.	Refer to January 23, 2002, NDEQ letter to EPA regarding change to 129-17-014. Approved by EPA on May 29, 2002.
129-7 .....	Operating Permits—Application .....	8/22/2000	5/29/02, 67 FR 37327.	
129-8 .....	Operating Permit Content .....	8/22/2000	5/29/02, 67 FR 37327.	
129-9 .....	General Operating Permits for Class I and II Sources.	5/29/95	10/18/95, 60 FR 53872.	
129-10 .....	Operating Permits for Temporary Sources.	9/7/97	1/20/00, 65 FR 3134.	
129-11 .....	Operating Permits—Emergency; Defense.	5/29/95	10/18/95, 60 FR 53872.	
129-12 .....	Operating Permit Renewal and Expiration.	5/29/95	2/09/96, 61 FR 4899.	
129-13 .....	Class I Operating Permit—EPA Review; Affected States Review; Class II Permit.	5/29/95	10/18/95, 60 FR 53872.	
129-14 .....	Permits—Public Participation .....	5/29/95	10/18/95, 60 FR 53872.	
129-15 .....	Operating Permit Modification; Reopening for Cause.	5/29/95	10/18/95, 60 FR 53872.	
129-16 .....	Stack Heights; Good Engineering Practice (GEP).	12/15/1998	5/29/02, 67 FR 37327.	
129-17 .....	Construction Permits—When Required.	7/10/02	7/08/03, 68 FR 40530 .....	
129-19 .....	Prevention of Significant Deterioration of Air Quality.	12/15/1998	5/29/02, 67 FR 37327.	
129-20 .....	Particulate Emissions; Limitations and Standards (Exceptions Due to Breakdowns or Scheduled Maintenance: See Chapter 35).	2/7/04	3/31/05, 70 FR 16429.	

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**EPA-APPROVED NEBRASKA REGULATIONS—Continued**

Nebraska citation	Title	State effective date	EPA approval date	Explanation
129-21 .....	Controls for Transferring, Conveying, Railcar and Truck Loading at Rock Processing Operations in Cass County.	7/10/02	7/08/03, 68 FR 40530.	
129-22 .....	Incinerators; Emission Standards	9/7/97	1/20/00, 65 FR 3134.	
129-24 .....	Sulfur Compound Emissions, Existing Sources Emission Standards.	6/26/94	1/04/95, 60 FR 372.	
129-25 .....	Nitrogen Oxides (Calculated as Nitrogen Dioxide); Emissions Standards for Existing Stationary Sources.	9/7/97	1/20/00, 65 FR 3134.	
129-30 .....	Open Fires, Prohibited; Exceptions.	11/20/02	9/05/03, 68 FR 52694.	
129-32 .....	Dust; Duty to Prevent Escape of Compliance; Time Schedule for	6/26/94	1/04/95, 60 FR 372.	
129-33 .....	Emission Sources; Testing; Monitoring.	6/26/94	1/04/95, 60 FR 372.	
129-34 .....	Compliance; Exceptions Due to Startup, Shutdown, or Malfunction.	5/7/05	7/10/06, 71 FR 38776.	
129-35 .....	Control Regulations; Circumvention, When Excepted.	9/7/97	1/20/00, 65 FR 3134.	
129-36 .....	Compliance; Responsibility .....	6/26/94	1/04/95, 60 FR 372.	
129-37 .....	Emergency Episodes; Occurrence and Control, Contingency Plans.	6/26/94	1/04/95, 60 FR 372.	
129-39 .....	Visible Emissions from Diesel-powered Motor Vehicles.	6/26/94	1/04/95, 60 FR 372.	
129-40 .....	General Conformity .....	5/29/95	2/12/96, 61 FR 5297.	
129-41 .....	General Provision .....	12/15/1998	5/29/02, 67 FR 37327.	
129-42 .....	Permits-By-Rule .....	11/20/02, 4/8/03/ 5/7/05	7/10/06, 71 FR 38776.	
129-43 .....	Consolidated with Chapter 41 ....	5/29/95	2/09/96, 61 FR 4899.	
129-44 .....	Consolidated with Chapter 41 ....	5/29/95	2/09/96, 61 FR 4899.	
Appendix I .....	Emergency Emission Reductions	6/26/94	1/04/94, 60 FR 372.	
Appendix II .....	Hazardous Air Pollutants (HAPS).	5/7/05	7/10/06, 71 FR 38776.	
<b>Title 115—Rules of Practice and Procedure</b>				
115-1 .....	Definitions of Terms .....	8/08/93	1/04/95, 60 FR 372.	
115-2 .....	Filing and Correspondence .....	8/08/93	1/04/95, 60 FR 372.	
115-3 .....	Public Records Availability .....	8/08/93	1/04/95, 60 FR 372.	
115-4 .....	Public Records Confidentiality ..	8/08/93	1/04/95, 60 FR 372.	
115-5 .....	Public Hearings .....	8/08/93	1/04/95, 60 FR 372.	
115-6 .....	Voluntary Compliance .....	8/08/93	1/04/95, 60 FR 372.	
115-7 .....	Contested Cases .....	8/08/93	1/04/95, 60 FR 372.	
115-8 .....	Emergency Proceeding Hearings	8/08/93	1/04/95, 60 FR 372.	
115-9 .....	Declaratory Rulings .....	8/08/93	1/04/95, 60 FR 372.	
115-10 .....	Rulemaking .....	8/08/93	1/04/95, 60 FR 372.	
115-11 .....	Variances .....	8/08/93	1/04/95, 60 FR 372.	
<b>Lincoln-Lancaster County Air Pollution Control Program Article 1—Administration and Enforcement</b>				
Section 1 .....	Intent .....	5/16/95	2/14/96, 61 FR 5701.	
Section 2 .....	Unlawful Acts—Permits Required.	5/16/95	2/14/96, 61 FR 5701.	
Section 3 .....	Violations—Hearing—Orders ....	5/16/95	2/14/96, 61 FR 5701.	
Section 4 .....	Appeal Procedure .....	5/16/95	2/14/96, 61 FR 5701.	
Section 5 .....	Variance .....	5/16/95	2/14/96, 61 FR 5701.	
Section 7 .....	Compliance—Actions to Enforce—Penalties for Non-Compliance.	5/16/95	2/14/96, 61 FR 5701.	
Section 8 .....	Procedure for Abatement .....	5/16/95	2/14/96, 61 FR 5701.	
Section 9 .....	Severability .....	5/16/95	2/14/96, 61 FR 5701.	
<b>Article 2—Regulations and Standards</b>				
Section 1 .....	Definitions .....	8/11/98	1/20/00, 65 FR 3134.	
Section 2 .....	Major Sources—Defined .....	8/11/98	1/20/00, 65 FR 3134.	
Section 4 .....	Ambient Air Quality Standards ...	5/16/95	2/14/96, 61 FR 5701.	

## EPA-APPROVED NEBRASKA REGULATIONS—Continued

Nebraska citation	Title	State effective date	EPA approval date	Explanation
Section 5 .....	Operating Permits—When Required.	8/11/98	1/20/00, 65 FR 3134.	
Section 6 .....	Emissions Reporting—When Required.	8/11/98	1/20/00, 65 FR 3134.	
Section 7 .....	Operating Permits—Application	8/11/98	1/20/00, 65 FR 3135.	
Section 8 .....	Operating Permit—Content .....	8/11/98	1/20/00, 65 FR 3135.	
Section 9 .....	General Operating Permits for Class I and II Sources.	5/16/95	2/14/96, 61 FR 5701.	
Section 10 .....	Operating Permits for Temporary Services.	5/16/95	2/14/96, 61 FR 5701.	
Section 11 .....	Emergency Operating Permits—Defense.	5/16/95	2/14/96, 61 FR 5701.	
Section 12 .....	Operating Permit Renewal and Expiration.	5/16/95	2/14/96, 61 FR 5701.	
Section 14 .....	Permits—Public Participation .....	5/16/95	2/14/96, 61 FR 5701.	
Section 15 .....	Operating Permit Modifications—Reopening for Cause.	8/11/98	1/20/00, 65 FR 3135.	
Section 16 .....	Stack—Heights—Good Engineering Practice (GEP).	5/16/95	2/14/96, 61 FR 5701.	
Section 17 .....	Construction Permits—When Required.	8/11/98	1/20/00, 65 FR 3135.	
Section 19 .....	Prevention of Significant Deterioration of Air Quality.	5/16/95	2/14/96, 61 FR 5701.	
Section 20 .....	Particulate Emissions—Limitations and Standards.	3/31/97	1/20/00, 65 FR 3135.	
Section 22 .....	Incinerator Emissions .....	5/16/95	2/14/96, 61 FR 5701.	
Section 24 .....	Sulfur Compound Emissions—Existing Sources—Emission Standards.	5/16/95	2/14/96, 61 FR 5701.	
Section 25 .....	Nitrogen Oxides (Calculated as Nitrogen Dioxide)—Emissions Standards for Existing Stationary Sources.	5/16/95	2/14/96, 61 FR 5701.	
Section 32 .....	Dust—Duty to Prevent Escape of.	3/31/97	1/20/00, 65 FR 3135.	
Section 33 .....	Compliance—Time Schedule for	5/16/95	2/14/96, 61 FR 5701.	
Section 34 .....	Emission Sources—Testing—Monitoring.	5/16/95	2/14/96, 61 FR 5701.	
Section 35 .....	Compliance—Exceptions Due to Startup Shutdown or Malfunction.	5/16/95	2/14/96, 61 FR 5701.	
Section 36 .....	Control Regulations—Circumvention—When Expected.	5/16/95	2/14/96, 61 FR 5701.	
Section 37 .....	Compliance—Responsibility of Owner/Operator Pending Review by Director.	5/16/95	2/14/96, 61 FR 5701.	
Section 38 .....	Emergency Episodes—Occurrence and Control—Contingency Plans.	5/16/95	2/14/96, 61 FR 5701.	
Appendix .....	Emergency Emission Reduction Regulations.	5/16/95	2/14/96, 61 FR 5701.	
<b>City of Omaha</b>				
<b>Chapter 41—Air Quality Control</b>				
<b>Article I In General</b>				
41–2 .....	Adoption of State Regulations with Exceptions.	4/1/98	1/20/00, 65 FR 3135.	
41–4 .....	Enforcement—Generally .....	5/29/95	2/14/96, 61 FR 5701.	
41–5 .....	Same Health Department .....	5/29/95	2/14/96, 61 FR 5701.	
41–6 .....	Residential Exemptions .....	5/29/95	2/14/96, 61 FR 5701.	
41–9 .....	Penalties .....	5/29/95	2/14/96, 61 FR 5701.	
41–10 .....	Civil Enforcement .....	5/29/95	2/14/96, 61 FR 5701.	
<b>Article II—Permitting of Air Contaminant Sources</b>				
41–23 .....	Prerequisite to Approval .....	5/29/95	2/14/96, 61 FR 5701.	
41–27 .....	Signature Required; Guarantee	5/29/95	2/14/96, 61 FR 5701.	
41–38 .....	Funds .....	5/29/95	2/14/96, 61 FR 5701.	
41–40 .....	Fees—When Delinquent .....	5/29/95	2/14/96, 61 FR 5701.	

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### EPA-APPROVED NEBRASKA REGULATIONS—Continued

Nebraska citation	Title	State effective date	EPA approval date	Explanation
<b>Article IV—Waste Incinerators Division 1. Generally</b>				
41-60 .....	Definitions .....	5/29/95	2/14/96, 61 FR 5701.	
41-61 .....	Violations .....	5/29/95	2/14/96, 61 FR 5701.	
<b>Article IV—Waste Incinerators Division 2. Emissions</b>				
41-70 .....	New or Modified Facilities .....	5/29/95	2/14/96, 61 FR 5701.	
41-71 .....	Existing Facilities .....	5/29/95	2/14/96, 61 FR 5701.	
41-72 .....	Emission Testing .....	5/29/95	2/14/96, 61 FR 5701.	
<b>Article IV—Waste Incinerators Division 3. Design</b>				
41-80 .....	New or Modified Waste Incinerators.	5/29/95	2/14/96, 61 FR 5701.	
41-81 .....	Existing Incinerators .....	5/29/95	2/14/96, 61 FR 5701.	

(d) EPA-approved state source-specific permits.

### EPA-APPROVED NEBRASKA SOURCE—SPECIFIC PERMITS

Name of source	Permit No.	State effective date	EPA approval date	Explanation
(1) Gould, Inc.	677	11/9/83	1/31/85, 50 FR 4510.	
(2) Asarco, Inc..	1520	6/6/96	3/20/97, 62 FR 13329 .....	The EPA did not approve paragraph 19.

(e) EPA-approved nonregulatory provisions and quasi-regulatory measures.

### EPA-APPROVED NEBRASKA NONREGULATORY PROVISIONS

Name of nonregulatory SIP provision	Applicable geographic or non-attainment area	State submittal date	EPA approval date	Explanation
(1) Air Quality Implementation Plan .....	Statewide .....	1/28/72	5/31/72, 37 FR 10842.	
(2) Confirmation That the State Does Not Have Air Quality Control Standards Based on Attorney General's Disapproval..	Statewide .....	4/25/72	5/31/72, 37 FR 10842.	
(3) Request for Two-Year Extension to Meet the Primary NO <sub>x</sub> Standard..	Omaha .....	1/24/72	7/27/72, 37 FR 15080.	
(4) Clarification of Section 11 of the State's Plan..	Statewide .....	2/16/72	7/27/72, 37 FR 15080.	
(5) Letters Clarifying the Application of the States Emergency Episode Rule..	Omaha .....	10/2/72	5/14/73, 38 FR 12696.	
(6) Analysis of Ambient Air Quality in Standard Metropolitan Statistical Areas and Recommendations for Air Quality Maintenance Areas.	Omaha, Lincoln, Sioux City.	5/9/74	6/2/75, 40 FR 23746.	
(7) Amended State Law (LB1029) Giving the Department of Environmental Quality Authority to Require Monitoring of Emissions, Reporting of Emissions and Release of Emissions Data.	Statewide .....	2/10/76	6/23/76, 41 FR 25898.	
(8) Air Monitoring Plan .....	Statewide .....	6/19/81	10/6/81, 46 FR 49122.	
(9) TSP Nonattainment Plan .....	Douglas and Cass Counties.	9/25/80	3/28/83, 48 FR 12715.	
(10) Plan for Intergovernmental Consultation and Coordination and for Public Notification..	Statewide .....	8/9/82	7/5/83, 48 FR 30631.	

## EPA-APPROVED NEBRASKA NONREGULATORY PROVISIONS—Continued

Name of nonregulatory SIP provision	Applicable geographic or non-attainment area	State submittal date	EPA approval date	Explanation
(11) Lead Plan .....	Statewide except Omaha.	1/9/81 8/5/81 1/11/83	11/29/83, 48 FR 53697.	The plan was approved except that portion pertaining to Omaha.
(12) Lead Nonattainment Plan .....	Omaha .....	7/24/84 11/17/83 8/1/84	1/31/85, 50 FR 4510.	
(13) CO Nonattainment Plan .....	Omaha .....	4/3/85	9/15/86, 51 FR 32640.	
(14) CO Nonattainment Plan .....	Lincoln .....	4/3/85	9/19/86, 51 FR 33264.	State submittal date is date of the letter.
(15) Revised Lead Nonattainment Plan .....	Omaha .....	2/2/87	8/3/87, 52 FR 28694.	
(16) Letter Pertaining to NO <sub>x</sub> Rules and Analysis Which Certifies the Material Became Effective on February 20, 1991..	Statewide .....	3/8/91	7/2/91, 56 FR 30335.	
(17) Small Business Assistance Program ..	Statewide .....	11/12/92	8/30/93, 58 FR 45452.	
(18) Class II Operating Permit Program Including Letter Committing to Submit Information to RACT/BACT/LAER Clearinghouse, Letter Regarding Availability of State Operating Permits to the EPA and Specified Emissions Limits in Permits, and Letter Regarding the Increase in New Source Review Thresholds..	Statewide .....	2/16/94	1/4/95, 60 FR 372.	
(19) Letter from City of Omaha Regarding Authority to Implement Section 112(i) and Letter from the State Regarding Rule Omissions and PSD Program Implementation..	Omaha, Lincoln .....	9/13/95, 11/9/95	2/14/96, 61 FR 5725.	State submittal dates are dates of letters.
(20) Lincoln Municipal Code, Chapter 8.06.140 and 8.06.145..	City of Lincoln .....	2/5/99	1/20/00, 65 FR 3135.	
(21) Lancaster Co. Resolution 5069, Sections 12 and 13..	Lancaster County ...	2/5/99	1/20/00, 65 FR 3135.	
(22) Nebraska Lead Maintenance SIP .....	Omaha .....	1/18/01	4/20/01, 66 FR 20199.	
(23) CAA 110(a)(2)(D)(i) SIP—Interstate Transport.	Statewide .....	5/18/07	12/17/07, 72 FR 71245.	

[64 FR 7103, Feb. 12, 1999, as amended at 65 FR 3133, Jan. 20, 2000; 66 FR 20199, Apr. 20, 2001; 67 FR 37327, May 29, 2002; 68 FR 40530, July 8, 2003; 68 FR 52694, Sept. 5, 2003; 68 FR 67046, Dec. 1, 2003; 70 FR 16429, Mar. 31, 2005; 71 FR 38779, July 10, 2006; 72 FR 71247, Dec. 17, 2007]

## § 52.1421 Classification of regions.

The Nebraska plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Metropolitan Omaha-Council Bluffs Interstate .....	I	II	III	III	III
Lincoln-Beatrice-Fairbury Intrastate .....	II	III	III	III	III
Metropolitan Sioux City Interstate .....	III	III	III	III	III
Nebraska Intrastate .....	III	III	III	III	III

[37 FR 10877, May 31, 1972, as amended at 39 FR 16347, May 8, 1974]